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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,910

10/13/2005

Richard Kulak

60469-233; OT-5183

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64779 7590 05/30/2008

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EXAMINER

COLON SANTANA, EDUARDO

ART UNIT

PAPER NUMBER

2837

MAIL DATE

DELIVERY MODE

05/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,910	Applicant(s) KULAK ET AL.	
	Examiner Eduardo Colon-Santana	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-9 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

1. Applicant's pre-brief conference request filed on 01/03/2008 have been received and entered in the case.
2. Applicant's arguments filed 1/03/2008, with respect to the claims have been fully considered and are persuasive. Therefore, the prior rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of a previously applied reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-9, 13-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yoshiaki Fujita JP Patent No. 05116869 A.

Referring to claim 1 Fujita discloses an elevator system as claimed (see all figures and respective portions of the specification). Fujita depicts from figure 2, a roller guide assembly for an elevator system having a roller (10) having a hardness that varies responsive to a magnetic field produced by magnetic field generator (23).

As to claim 5, Fujita depicts in figure 2 a magnetic field generator (23) adjacent to roller (10) selectively controllable to vary the hardness of the roller (10).

Referring to claim 6, Fujita depicts in figure 5, a plurality of rollers (10) and a plurality of magnetic field generators (23).

As to claims 7 and 8, even though Fujita discloses a magnetic field generator (23) forming an electromagnet, the use of permanent magnet is also readily available and well known in the art.

Referring to claim 9, Fujita discloses an elevator system as claimed. Fujita further depicts in figure 5 at least one guide rail (3), an elevator car (5) movable along the guide rail (3); a roller (10) supported for movement with the elevator car (5), the roller (10) rolling along a surface of the guide rail (3) and having a hardness that varies responsive to a magnetic field produced by a magnetic field generator (23).

As to claim 13, Fujita depicts in figure 5, a plurality of rollers (10) and a plurality of magnetic field generators (23).

Referring to claims 14 and 15, Fujita discloses a controller (25) that selectively and individually controls the magnetic field generators (23). Additionally, including a sensor device (24) that provides information regarding orientation of the elevator car (5) and the controller receiving information from this sensor to responsively control the magnetic field generator to vary the roller hardness.

As to claims 16-19, the method steps are inherent in the product structure of claims 1, 9, 14 and 15 above. Fujita further discloses

that the roller are provided with a magnetic fluid (22) having a viscosity that changes responsive to a magnetic field. Furthermore, the use of controller (25) and sensor (24) to vary the strength of the magnetic field independently for each roller (10) and determining the level of vibration of the car (5) as the car moves along the guide rail (3) is taught by Fujita.

Allowable Subject Matter

4. Claims 2-4 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon-Santana whose telephone number is (571)272-2060. The examiner can normally be reached on Monday thru Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eduardo Colon-Santana
Patent Examiner
Art Unit 2837

ECS
May 23, 2008
/Lincoln Donovan/
Supervisory Patent Examiner, Art Unit 2837